

38 NEB. ADMIN. CODE
NEBRASKA ATHLETIC COMMISSION

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Current 38 Neb. Admin. Code Ch. 1 to 24 are repealed.

CHAPTER 1 – DEFINITIONS AND THE OFFICE OF THE STATE ATHLETIC COMMISSIONER

001 - DEFINITIONS.

001. – DEFINITIONS. The following definitions shall apply throughout these rules and regulations.

001.01 Amateur means a participant who is at least 18 years of age who, in the judgment of the Commissioner, has limited skills, and who has not competed for a cash prize or received compensation to compete or participate in any professional competition in any combat sport, and who has not entered into a contract with a promoter or manager to receive a fee for competing.

001.02 Association of Boxing Commissions or ABC Boxing means the organization made up of members from state and tribal athletic commissions from the United States and Canada that provides a framework for undertaking boxing and MMA bouts and record keeping.

001.03 Attending physician means a Doctor of Medicine or Doctor of Osteopathy who is licensed by the Commissioner and licensed to practice medicine in Nebraska.

001.04 Bout means a professional boxing or amateur or professional MMA contest between two individuals which is organized by rounds.

001.05 Commission means the Office of the State Athletic Commissioner as defined in Neb. Rev. Stat. § 81-8,128.

001.06 Commission official means the State Athletic Commissioner, Deputy State Athletic Commissioner, an inspector, or other representative of the State Athletic Commissioner.

001.07 Complimentary Ticket means a ticket or pass which is available to the general public and which is stamped “complimentary,” “free,” or where the face value is indicated as \$0.00, excluding any ticket provided in conjunction with a sponsorship or advertising package.

001.08 Contestant means a participant in a boxing or MMA bout.

001.09 Contested case means a proceeding before the Commission in which the legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined after a Commission hearing.

001.10 Disciplinary action includes, but is not limited to, revoking or suspending a license, suspending a contestant from competing in events, causing a bout to be forfeited, ejecting a licensee or other person from a venue, preventing an event or bout, stopping an on-going event or bout, or fining any licensee, except amateur athletes, to the extent such fine is permitted by law.

001.11 Event means, collectively, a series of bouts organized by a promoter.

001.12 Ex parte communication shall mean an oral or written communication which is not on

the record in a contested case with respect to which reasonable notice to all parties was not given. Ex parte communication shall not include:

001.12(A) Communications which do not pertain to the merits of a contested case;

001.12(B) Communications required for the disposition of ex parte matters as authorized by law;

001.12(C) Communications in a ratemaking or rulemaking proceeding; and

001.12(D) Communications to which all parties have given consent.

001.13 Hearing officer means the person or persons conducting a hearing, contested case, or other proceeding pursuant to the Administrative Procedure Act, whether designated as the presiding officer, administrative law judge, or some other title designation.

001.14 Inspector means a representative of the Commissioner who enforces the rules and regulations promulgated by the Commissioner.

001.15 Judge means a person licensed by the Commissioner to score a boxing or MMA round.

001.16 Knockout or KO means a referee has determined that a contestant either lost consciousness, was unable to rise to his or her feet within a specified period of time, or was otherwise unable to continue due to a legal strike or blow from an opponent.

001.17 Licensing year means the period beginning on July 1 and ending at 11:59 p.m. on June 30.

001.18 Low blow means an illegal strike that lands below a contestant's waist.

001.19 Manager means the person who acts as a contestant's representative to negotiate bouts and contracts.

001.20 Martial Arts means any of several arts of combat and self-defense that are recognized and practiced as a sport including, but not limited to; boxing, wrestling, kickboxing, karate, judo, taekwondo, aikido, jujutsu, krav maga, muay thai, and kung fu.

001.21 Matchmaker means a person licensed to match two boxing or MMA contestants.

001.22 Mixed Martial Arts or MMA means an unarmed combat sport in which two competitors seek to achieve dominance over each other by utilizing a combination of permitted martial arts techniques from disciplines of martial arts including, but not limited to, grappling, kicking, and striking.

001.23 Non-sanctioned fight means any MMA, boxing, sparring, or other combat sport involving striking, kicking, or grappling which is not regulated or overseen by a state, provincial, or tribal regulatory body.

001.24 Event permit means an approval of an application for an event, which includes the date and location of the event.

001.25 Party means the person by or against whom a contested case is brought or a person allowed to intervene in a contested case.

001.26 Petition means the initial document filed by or with the Commission that sets forth a claim and request for Commission action.

001.27 Physician means a Doctor of Medicine or Doctor of Osteopathy licensed to practice in the state in which he or she conducts diagnostic blood tests, physical examinations, or other medical procedures.

001.28 Professional means a contestant who is or has been paid for competing in his or her event. A professional may not compete as an amateur under any circumstance.

001.29 Promoter means a person or entity that is licensed to conduct professional boxing or amateur or professional MMA events. The term promoter includes any association, corporation, organization, club, partnership, or other entity that organizes and conducts boxing or MMA events and any employee thereof.

001.30 Referee means a person licensed by the Commissioner to ensure that a bout is conducted according to the appropriate rules.

001.31 Referee stops contest strikes or RSC strikes means a referee in an MMA contest has determined that a contestant has been subjected to a legal strike or blow which prevents him or her from safely continuing or is being subjected to a series of legal strikes or blows and is unable to effectively defend himself or herself.

001.32 Regulated sport means professional boxing or amateur or professional MMA.

001.33 Revocation means to indefinitely terminate all rights associated with a license. Once a license is revoked, the person or entity is ineligible to reapply for a license until at least two years have elapsed.

001.34 Ring means the area in which a bout is held, whether referred to as a boxing ring, MMA octagon, cage, or other appellation.

001.35 Sanctioned bout means a bout that is regulated and overseen by a state or tribal athletic commission.

001.36 Second means the person or persons who are licensed and authorized to sit in a designated ringside area in order to coach and provide other assistance to a contestant and who may stop a bout if, in the opinion of the second, the contestant is unable to safely continue.

001.37 Sponsorship or advertising package means the goods or services received by a person or entity which makes a payment to a licensee in return for placing advertising at or during media coverage of an event.

001.38 Sponsorship ticket means any ticket or pass provided as part of a sponsorship or advertising package.

001.39 State Athletic Commissioner or Commissioner means the person appointed by the Governor to enforce Neb. Rev. Stat. §§ 81-8,128 through 81-8,142.01 and to adopt and enforce any rules or regulations issued thereunder, or his or her duly authorized representative.

001.40 Suspension means to temporarily terminate all rights associated with a license. If the term of a suspension extends into the next licensing period, the individual or entity is ineligible to reapply until the term of the license revocation ends.

001.41 Technical knockout or TKO means the referee or the contestant's corner determines that it is unsafe for the contestant to continue and ends the bout.

001.42 Timekeeper means a person licensed to signal when a round is over and when ten seconds of a round remains.

001.43 Unified Rules of Mixed Martial Arts or Unified Rules means the rule set adopted by ABC Boxing.

001.44 Unified Rules of Boxing means the rule set adopted by ABC Boxing.

001.45 Weigh-in means the official recording of a contestant's weight prior to a bout.

(Sections 81-8,128, 81-8,129, 81-8,130, 81-8,130.01, 81-8,131, 81-8,132, 81-8,133, 81-8,133.01, 81-8,134, 81-8,135, 81-8,136, and 81-8,137, R.R.S., 2014.)

002 – POWERS OF THE STATE ATHLETIC COMMISSIONER.

002.01 The Commissioner has sole direction, management, control, and jurisdiction over all professional boxing and amateur and professional MMA events held within the state of Nebraska, except such as are conducted by universities, colleges, high schools, the military, and recognized amateur associations for contestants under sixteen years of age.

002.02 The Commissioner may refuse to allow any bout when, in the opinion of the Commissioner, the experience, skill, or mental or physical condition of a contestant places the contestant at an undue risk of serious injury.

002.03 The Commissioner may refuse to allow any bout the Commissioner deems to be a mismatch.

002.04 The Commissioner may invoke disciplinary action against any licensee for the violation of any applicable law, rule, or regulation.

002.05 The Commissioner may deny any license or permit application for cause.

002.06 The Commissioner may appoint a Deputy State Athletic Commissioner.

002.07 The Commissioner may appoint inspectors to assist in the enforcement of all applicable laws, rules, or regulations. All inspectors will serve under the supervision of the Commissioner.

002.08 The Commissioner may license judges, referees, timekeepers, and attending physicians, and assign these licensees to events or bouts.

002.09 The Commissioner may license contestants, seconds, managers, matchmakers, and promoters.

002.10 The Commissioner may suspend, cancel, or revoke any license when the licensee, in the judgment of the Commissioner, has been found guilty of any act or offense detrimental to the public interest. The Commissioner may forbid any person whose license has been suspended, cancelled, or revoked, to act in any capacity in connection with any bout conducted in Nebraska.

002.11 The Commissioner may indefinitely suspend, or suspend for a term, any contestant when the Commissioner determines the contestant has not displayed a sufficient skill level during a bout. The suspension will remain in effect until the contestant can demonstrate an adequate skill level or until the contestant meets the terms of his or her suspension.

002.12 The Commissioner may require contestants to submit to an anti-doping test at any time.

002.13 The Commissioner may suspend a contestant for a period not to exceed 180 days when, in the opinion of the Commissioner or the attending physician, the contestant has sustained an injury which would prevent the contestant from safely participating in his or her regulated sport.

002.14 In lieu of, or in addition to, any suspension issued under subsection 002.13, the

Commissioner may require a signed clearance from a licensed health care professional or any other medical test, procedure, or examination, and all corresponding documentation, before allowing a contestant to participate in any bout.

002.15 If the Commissioner determines that a contestant no longer possesses the requisite ability to compete because of a mental or physical condition or because of diminished skills or reflexes, the Commissioner may permanently retire the contestant from further competition.

002.16 The Commissioner may control and limit the number of bouts held, to not permit a proposed bout, and to refuse bouts on days deemed not in the best interest of the sport.

002.17 The Commissioner may require candidates for judges and referees to attend training at the candidate's expense and to pass an examination as a condition for licensing. The Commissioner may set requirements for continuing education and training.

002.18 The Commissioner will recognize a suspension placed on a contestant or any other licensee by an athletic commission in another state or by a Native American tribal commission.

002.19 The Commissioner may inspect and approve the facility, ring, scales, gloves, hand wraps, and all other equipment necessary for the conduct of the event.

002.20 The Commissioner may delegate any power or duty in these regulations to the Deputy State Athletic Commissioner or to an inspector.

002.21 The Commissioner is vested with all authority as further described and delineated in these regulations.

(Sections 81-8,128, 81-8,129, 81-8,133, 81-8,133.01, 81-8,134, 81-8,137, and 81-8,139, R.R.S., 2014.)

CHAPTER 2 – REQUIREMENTS FOR LICENSEES

001 – LICENSES AND FEES.

001.01 All contestants, managers, seconds, promoters, attending physicians, referees, matchmakers, judges, and timekeepers must be licensed by the Commissioner.

001.02 No person or organization is permitted to participate, either directly or indirectly, in any event involving a regulated sport or in any promotion thereof, unless a license has been obtained.

001.03 All persons required to be licensed must be licensed prior to the start of an event in which they will participate. Promoters must be licensed at least 30 days prior to the event.

001.04 Before a license is issued, each applicant must pay the licensing fee designated by the Commissioner. Each applicant is responsible for the payment of his or her licensing fee. An application for a license must be on a form supplied by the Commissioner. Forms may be requested from the Commissioner or downloaded from the Commission website. All applications and any other required forms must be completed in their entirety. Incomplete or incorrect forms will not be accepted.

001.05 License fees are due in full and will not be refunded after the license is issued, even if the license is not used. License fee are as follows:

<u>001.05(A)</u>	Promoter	\$ 200.00
<u>001.05(B)</u>	Matchmaker	\$ 50.00
<u>001.05(C)</u>	Referee	\$ 35.00
<u>001.05(D)</u>	Physician	\$ 20.00
<u>001.05(E)</u>	Manager	\$ 20.00
<u>001.05(F)</u>	Judge	\$ 20.00
<u>001.05(G)</u>	Timekeeper	\$ 20.00
<u>001.05(H)</u>	Second	\$ 20.00
<u>001.05(I)</u>	Contestant	\$ 20.00

001.06 Any license may be cancelled, suspended, or revoked if the Commissioner determines that the licensee has failed to comply with any applicable law, rule, or regulation, or has acted detrimentally towards the best interest of the licensee's respective sport.

001.07 All licenses expire at 11:59 p.m. on June 30 of each year.

(Sections 81-8,137 and 81-139, R.R.S., 2008. Sections 81-8,128, 81-8,129, 81-8,130, 81-8,130.01, 81-8,132, 81-8,133, and 81-8,133.01, R.S.Supp., 2012.)

002 – REFEREES.

002.01 Prior to being licensed as a referee, an applicant must demonstrate to the Commissioner that the applicant has read and understands all applicable laws, rules, and regulations covering the regulated sport for which the applicant intends to serve as a referee.

002.02 The Commissioner reserves the right to deny, cancel, suspend, or revoke a license if, in the Commissioner's judgment, the referee applicant or licensee has diminished skills and reflexes or does not have sufficient knowledge or expertise.

002.03 Each applicant for a referee's license may be required to present to the Commissioner a physical examination by a physician attesting to his or her medical fitness to perform. Each licensed referee may also be required to undergo a physical examination by a physician and be deemed medically fit before officiating any bout.

002.04 The referee is charged with enforcing all rules and regulations of the Commission which apply to a contestant's performance and the rules of conduct of the applicable regulated sport.

002.05 All decisions by the referee, including when to stop a bout, when to assess a foul, and when to declare a disqualification, are final and not subject to further administrative or judicial review, except that the Commissioner may consider allegations which, if true, would demonstrate:

002.05(A) Collusion between the referee and any third party that has affected the result of the bout;

002.05(B) That, as a result of an error in interpreting Nebraska Athletic Commission regulations, the Unified Rules of Boxing, or the Unified Rules of Mixed Martial Arts, the referee has rendered an incorrect decision; or

002.05(C) That the referee has committed a plain error, that this error is not disputed by the referee, and that a failure to overturn the decision would result in a manifest injustice.

002.06 The referee may inspect the body, gloves, fingernails, and hand wraps of the contestants at all events, to ensure that nothing could result in an unfair competitive advantage. In preliminary bouts, when the gloves are adjusted in the dressing rooms, the referee or Commission official may inspect the body, gloves, fingernails, and hand wraps of the contestants.

002.07 Before the start of each bout, the referee will check with each judge and the timekeeper to determine if they are ready.

002.08 The referee will warn a second of any rule violations.

002.09 Only the referee can assess a foul and require point deductions. Judges may not deduct points for what they interpret is a foul.

002.10 The referee will insure that each bout moves to its proper completion without undue stoppage or delay.

002.11 The referee will stop a bout if, in the judgment of either the referee or the attending physician, allowing the bout to continue will unduly jeopardize the health and safety of a contestant.

002.12 Referees will be assigned by the Commissioner.

002.13 The fee for referee services will be fixed by the Commissioner and paid by the promoter. Any changes or substitutions of referees must be approved by the Commissioner.

(Sections 81-8,128, 81-8,129, 81-8,133, 81-8,137, and 81-8,139, R.R.S., 2014.)

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003 – JUDGES.

003.01 Prior to being licensed as a judge, an applicant must demonstrate to the Commissioner that the applicant has read and understands the applicable laws, rules, and regulations of the regulated sport for which the applicant intends to serve as a judge.

003.02 All judges must familiarize themselves with and review the method to be used when scoring either professional boxing or amateur or professional MMA bouts. Professional contests and all MMA bouts will be scored to determine the winner using a ten-point system. In this system, the winner of each round receives ten points and the opponent a proportionately less number of points. If the round is even, each contestant is to receive ten points; no fraction of points may be given.

003.03 The Commissioner reserves the right to deny, cancel, suspend, or revoke a license if, in the Commissioner's judgment, the judge applicant or licensee does not have sufficient knowledge or expertise.

003.04 There must be three judges present for professional boxing and amateur and professional MMA bouts. The judges must sit alone at ringside and will reach their decision without conferring in any manner with any official or other individual. The referee is to have no voice in the selection of the winner.

003.05 Each judge must complete a score card to the best of his or her ability, in accordance with the provisions of the rules governing professional boxing or amateur or professional MMA. At the end of the bout, the score must be totaled and signed by the judge, with the winner's name circled and entered in the appropriate space provided on the score card.

003.06 All decisions by judges are final and not subject to administrative or judicial review, except that the Commissioner may consider allegations which, if true, would demonstrate:

003.06(A) Collusion between judges or between one or more judge and any third party that has affected the result of the bout;

003.06(B) That, as a result of an error in interpreting Nebraska Athletic Commission regulations, the Unified Rules of Boxing, or the Unified Rules of Mixed Martial Arts, a judge has rendered an incorrect decision; or

003.06(C) That the judge has committed a plain error, that this error is not disputed by the judge, and that a failure to overturn the decision would result in a manifest injustice.

003.07 A Commission official will collect the score cards from the judges, check them for accuracy, and hand them to the Commissioner or other designated scorekeeper. Individual round score cards and a master score sheet may be used at the discretion of the Commissioner for professional bouts or amateur or professional MMA bouts.

003.08 Scorecards not filled out in their entirety will be returned by a Commission official to the judge for correction.

003.09 Only the referee can assess foul and point deductions. Judges cannot deduct points for what they interpret is a foul.

003.10 Judges will be assigned by the Commissioner.

003.11 The fee for services will be set by the Commissioner and paid by the promoter. Any changes or substitutions must be approved in writing by the Commissioner.

(Sections 81-8,128, 81-8,129, 81-8,133.01, 81-8,137, and 81-8,139, R.R.S., 2014.)

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004 – PROMOTERS.

004.01 The promoter is responsible for organizing, arranging, and conducting all bouts held at an event and is responsible for meeting all required deadlines for event permit applications and other requirements.

004.02 The promoter must post a compliance bond with the Commission in the amount of \$5,000 before a license will be issued. Bonds not meeting the requirements will be returned. All bonds will expire simultaneously, along with the license, on June 30 of each year.

004.03 The promoter must collect all required medical information from each contestant and submit the information to the Commissioner in accordance with the timeline established in this regulation.

004.04 Professional boxing and amateur and professional MMA events will be approved only when the following terms and conditions have been met:

004.04(A) At least 30 days prior to the scheduled date of the event, the promoter's license application, bond, and all required fees must be received by the Commission;

004.04(B) At least 21 days prior to the scheduled date of the event, the event permit application must be received by the Commission;

004.04(C) At least 14 days prior to the scheduled date of the event, the schedule of contestants must be received by the Commission;

004.04(D) At least 14 days prior to the scheduled date of the event, any signed contracts and addendums, on forms supplied by the Commission, must be received by the Commission;

004.04(E) For all professional contestants, all required medical information for each contestant, including diagnostic blood tests showing negative test results for the hepatitis B virus, the hepatitis C virus, the human immunodeficiency virus (HIV), an annual physical examination, and an eye examination, must be received by the Commission at least 14 days prior to the contestant's first event of the licensing year;

004.04(F) For all amateur contestants, all required medical information for each contestant, including diagnostic blood tests showing negative test results for HIV, the hepatitis B virus, the hepatitis C virus, and an annual physical examination, must be received by the Commission at least seven days prior to the contestant's first event of the licensing year;

004.04(G) The promoter must provide verification by the insurance provider that the required medical insurance and the death benefit have been issued at least seven days prior to the scheduled date of the event; and

004.04(H) Prior to the event, the promoter must verify that an attending physician, law enforcement officers, security personnel, and emergency medical technicians (EMTs) are present and the occupancy permit and fire inspection is current. The certificate of occupancy, indicating verification that the facility passed the inspection, must state that the certificate is a true and accurate copy of the most current fire inspection conducted.

Government owned and operated facilities and school gymnasiums that have annual fire inspections are exempt from this requirement.

004.05 Weigh-ins must be completed on the day of the event, except that weigh-ins may be conducted up to 24 hours prior to an event's scheduled start with approval of the Commissioner and upon the payment of a fee set by the Commissioner.

004.06 All applicable requirements must be met before any license will be issued or before contracts will be recognized or enforced. Each license issued is subject to the conditions and agreements set forth in the application, the statutes relating to boxing and MMA, and the rules and regulations of the Commission.

004.07 Falsification, in whole or part, of a material fact or representation on any application for a license may result in a license being denied, cancelled, suspended, or revoked, as determined by the Commissioner.

004.08 Any promoter, matchmaker, or other person who uses or causes to be used any amateur contestant in any bout without first ascertaining whether the participant is at least 18 years of age and can compete as a qualified amateur will be subject to disciplinary action as determined by the Commissioner.

004.09 There are no limitations on the number of events permitted in the state. However back-to-back or same-day events scheduled in the same community may not be approved if they are for the same sport. If two or more event permits are received by the Commissioner for same-day events of the same sport and the events are less than 100 miles apart, the Commissioner reserves the right to only approve the first complete application submitted.

004.10 Mixed professional and amateur boxing events will only be approved after the requirements for amateur and professional boxing are met, including the approved amateur sanction and other applications, permits, and forms.

004.11 The promoter must verify to the Commissioner each competitor's competence and ability to compete.

004.12 It is the duty and responsibility of the promoter to ensure that no licensee connected with the event is under the influence of drugs or alcohol.

004.13 An ambulance and EMT personnel must be at the venue throughout the bouts. In the event that the ambulance or EMT personnel have to leave the venue, the promoter cannot conduct any bout until another ambulance or EMT personnel arrives.

004.14 The promoter is responsible for ensuring that public safety is maintained at all events. At least two state certified, uniformed law enforcement officers must be furnished by the promoter and must be in attendance. Additional officers or other security personnel as required by the facility manager or the Commissioner must also be furnished if deemed necessary for adequate public safety. Failure to comply with this regulation may result in the cancellation of the event at the discretion of the Commissioner.

004.15 The promoter must insure there are separate dressing rooms for both male and female contestants and that a separate room is provided for physical examinations conducted by the attending physician. The dressing and examination rooms must provide a

degree of privacy and security and be kept clean. No one is allowed in the contestant's dressing rooms except Commission officials, managers, seconds, representatives of the promoter, attending physicians, and other individuals as permitted by the Commissioner. The promoter will, when required by the Commissioner, furnish a security guard in dressing room areas to enforce this rule.

004.16 The Promoter is responsible for and must correct any violations of Commission regulations, rules, or applicable local health department requirements regarding sanitary conditions of dressing rooms, showers, gloves, water bottles, towels, or other equipment.

004.17 The promoter must ensure that the ring is kept clean. The promoter must have at least one person assigned to maintain the sanitation of the ring area. This individual must have, at his or her disposal, a cleaning solution of bleach and water and appropriate cleaning equipment such as mops, towels, and disinfectants. A commercial cleaning agent such as wrestling mat cleaner may be used provided it does not irritate the skin, eyes, or lungs of the contestants or anyone else associated with the event.

004.18 Following each bout and between rounds, when directed by the referee or by a Commission official, a representative of the promoter must clean and dry the ring floor.

004.19 The ring area must be cleaned and disinfected prior to the start of the first bout and again during any scheduled intermission.

004.20 The promoter is required to provide all equipment necessary to conduct the event, including the ring, a bell for boxing events, a weigh-in scale (unless the scale is provided by the Commissioner), and all other associated material and equipment essential to the event. If the Promoter provides the weigh-in scale, it must be examined and approved by a Commission official.

004.21 The promoter must provide Commission-approved gloves to all contestants.

004.22 The promoter must provide bio-hazard bags or containers in each corner and in the dressing rooms.

004.23 The promoter is responsible for the collection of athletic tax, city and state sales tax, and any tax on the sale of television rights.

004.24 The promoter is solely liable for all contractual obligations entered into with professional contestants, except that if the promoter utilizes a licensed matchmaker, the promoter and matchmaker are joint and severally liable.

004.25 The promoter is required to publicly announce any and all substitutions for professional contestants advertised for bouts as soon as substitutions are known. Prior to the announcement of a substitution, the substitute contestant must be approved by the Commissioner.

004.26 The fee for services of referees, judges, and timekeepers will be set by the Commissioner and paid by the promoter.

004.27 The failure of the Promoter to abide by any requirement in this section may result in disciplinary action.

(Sections 81-8,128, 81-8,129, 81-8,130.01, 81-8,132, 81-8,135, 81-8,136, 81-8,137, 81-8,139, and 81-8,141, R.R.S., 2014.)

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005 – ATTENDING PHYSICIANS.

005.01 An attending physician licensed by the Commissioner will be in charge of pre-bout and post-bout physical examinations for all professional boxing and professional and amateur MMA contestants. No bout may start until the attending physician is seated at ringside.

005.02 The attending physician must have resuscitation equipment available at ringside, in addition to his or her personal medical equipment and supplies. The attending physician must be seated in a neutral corner along with EMT personnel.

005.03 In addition to pre-bout physical examinations, the attending physician must conduct a post-bout physical examination of all contestants. The results of the post-bout examination must be documented on a Commission-approved medical form and be signed by the attending physician.

005.04 The attending physician must conduct a thorough physical examination of each contestant which must include, at a minimum, the following:

005.04(A) Weight;

005.04(B) Temperature, pulse (sitting and standing), and blood pressure;

005.04(C) Lungs and heart;

005.04(D) Venereal disease test and urinalysis, when deemed necessary;

005.04(E) Scrotal examination for hernia;

005.04(F) Eye exam: and

005.04(G) General physical condition.

005.05 Any contestant or referee deemed unfit to participate by the attending physician will be disqualified. Any decision made by the physician under this subsection is final and not subject to administrative or judicial review.

005.06 Any contestant who has sustained a severe injury or who was rendered unconscious must receive an appropriate medical examination and treatment by the attending physician.

005.07 The attending physician must be prepared to assist if any serious emergency arises and must render temporary or emergency treatment for cuts and minor injuries sustained by the contestants.

(Sections 81-8,128, 81-8,129, 81-8,133.01, 81-8,137, and 81-8,139, R.R.S., 2014.)

006 – MATCHMAKERS.

006.01 A licensed matchmaker is required for all professional boxing matches, amateur and professional MMA bouts, and elimination bouts, except that a licensed promoter may act as its own matchmaker without applying for an additional license, if found to be qualified to do so by the Commissioner.

006.02 The duties of the matchmaker are to arrange the bouts, attend the weigh-ins and physical examinations, and to match the contestants as to weight and experience. The matchmaker will also assure that all required equipment is in place and the bouts start at the scheduled start time.

006.03 The Commissioner reserves the right to question any applicant for a matchmaker's license. If the Commissioner determines that the applicant does not have sufficient knowledge of the sport, the license will be denied.

006.04 If a licensed matchmaker is employed or otherwise utilized by a promoter in an event, the matchmaker and the promoter will be jointly and severally liable for all contractual obligations, bond requirements, license fees, and taxes.

006.05 The matchmaker may be subject to disciplinary action for a bout in which one of the contestants is disproportionately outclassed. Persistent lack of judgment by a matchmaker in arranging bouts will be regarded as sufficient grounds to suspend the matchmaker's license.

006.06 The matchmaker cannot perform the duties of a second, referee, judge, announcer, or timekeeper at any event for which he or she serves as a licensed matchmaker.

006.07 While bouts are in progress, the matchmaker must work with Commission officials and will be directly responsible to the Commissioner for the promoter he or she represents.

(Sections 81-8,128, 81-8,129, 81-8,133.01, 81-8,137, and 81-8,139, R.R.S., 2014.)

007 – TIMEKEEPERS.

007.01 The timekeeper must provide a timing device, a device to signal ten seconds remaining in the round, and an air horn for MMA events.

007.02 The timekeeper must signal when ten seconds remain in a round and must signal when the round is over.

007.03 The timekeeper must give a ten-second warning before the beginning of each round.

007.04 It is the responsibility of the timekeeper to keep an accurate time of each bout. The timekeeper must keep an exact record of time-outs taken at the direction of the referee. The timekeeper must record the exact time the bout was stopped.

007.05 The timekeeper must remain impartial and cannot communicate the remaining time, except as authorized in this section.

(Sections 81-8,128, 81-8,129, 81-8,133.01, 81-8,137, and 81-8,139, R.R.S., 2014.)

008 – MANAGERS.

008.01 Managers who engage in illegal, coercive, or unethical practices by restrictive and anticompetitive business practices to the detriment of the contestants or the sport will be subject to disciplinary action.

008.02 If the Commissioner determines that a manager applicant has insufficient knowledge of the sport, the license will be denied.

008.03 The Commissioner will recognize a contract between a manager and a contestant only when a copy of the contract has been filed with the Commission. The contracts must be on forms supplied by the Commission. No manager is allowed to contract for the services of a contestant under his or her management for a bout to take place on a date after the expiration date of the contract between the contestant and the manager.

(Sections 81-8,128, 81-8,129, 81-8,133.01, 81-8,137, and 81-8,139, R.R.S., 2014.)

009 – SECONDS.

009.01 The Commissioner reserves the right to refuse an applicant for a second's license when, in the judgment of the Commissioner, the applicant is not qualified to act as a second.

009.02 Licensed contestants and managers may be permitted to act as seconds without obtaining an additional license; however, they must observe all rules and regulations pertaining to the conduct of seconds. Licensed promoters and managers may not act as seconds.

009.03 A second must remain seated and must abide by all instructions of Commission officials and the referee. Failure to comply may lead to point deductions by the referee, ejection from the venue, or other disciplinary action.

009.04 Unless authorized by the Commissioner, a contestant cannot have more than two seconds, one of whom will announce to the referee at the start of the bout that he or she is the chief second. Only one second may enter the ring between rounds.

009.05 A second cannot enter the ring until the timekeeper indicates the round has ended and must leave the ring when the timekeeper gives the ten-second warning before the beginning of each round. If a second enters the ring before the bell ending the round has sounded, the contestant may be disqualified and the second may be subject to disciplinary action as determined by the Commissioner.

009.06 While a bout is in progress, coaching or signaling to the contestants by a second must be kept to a minimum. After leaving the ring, a second must be seated on a stool or chair and must remain seated. A second cannot touch, stand, or lean on any part of the ring during a round. Violators will be removed from the corner and may be subject to disciplinary action.

009.07 A second may not pour water or ice on a contestant. Excess water or ice on the ring floor must be wiped up immediately by the second. Water discharged from the mouth of a contestant must be caught in a bucket or other device furnished for that purpose. When instructed by a referee or Commission official, a second must wipe any excess water off a contestant.

009.08 Before leaving the ring at the start of each round, the second must remove all obstructions, buckets, stools, bottles, towels, and robes.

009.09 The chief second for a contestant may toss a towel into the ring as an indication of defeat and scale the ring apron to attract the attention of the referee to indicate the retirement of his or her contestant. The second cannot enter the ring unless the referee stops the bout. A second cannot interfere with a count that is in progress.

009.10 The sharing of towels, sponges, water bottles, or anything that could transmit fluids from one person to another is prohibited.

009.11 Any violation of the provisions in this chapter may result in the immediate ejection of the second from the ring area and may result in disciplinary action as determined by the Commissioner.

(Sections 81-8,128, 81-8,129, 81-8,130, 81-8,133.01, 81-8,131, 81-8,132, 81-8,134, 81-8,137, and 81-8,139, R.R.S., 2014.)

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CHAPTER 3 – CONTESTANTS

001 – GENERAL PROVISIONS.

001.01 Except as otherwise indicated, the provisions in this chapter apply to all contestants who participate in any regulated sport. Contestants must also comply with the regulations contained in chapters governing the regulated sport in which they participate.

001.02 Contestants must adhere at all times to the instructions of Commission officials, the referee, and the attending physician. The failure to abide by instructions or the violation of any applicable law, rule, or regulation may result in disciplinary action.

001.03 No person under 18 years of age is permitted to participate in a regulated sport at any level, including amateur, professional, or exhibition.

001.04 The Commissioner may indefinitely suspend any contestant when the Commissioner determines the contestant has not displayed a sufficient skill level during a bout. The suspension will remain in effect until the contestant can demonstrate an adequate skill level or until the contestant meets the terms of his or her suspension.

001.05 Any contestant who, after participating in a minimum of five bouts, has a winning percentage of .200 or less is disqualified from further competition, unless the contestant has won his or her previous sanctioned bout.

001.06 Any contestant who has competed in a non-sanctioned fight will not be approved by the Commissioner to compete for a minimum of 45 days from the date of the non-sanctioned fight, if the fight ends in any manner other than a technical knockout (TKO), knockout (KO), or a referee stops contest strike (RSC strike). If the non-sanctioned fight ends as a result of a TKO, KO, or RSC strike, the licensee or license applicant will not be approved to compete for a minimum of 60 days from the date of the non-sanctioned fight. After the non-sanctioned fight, the licensee must also submit to the Commission his or her negative test results for HIV, the hepatitis B virus, and the hepatitis C virus.

001.07 Any suspension of a contestant, whether an administrative or medical suspension resulting from his or her participation in any regulated sport, applies to any other regulated sport in which that contestant is licensed to participate.

(Sections 81-8,128, 81-8,129, 81-8,130, 81-8,131, 81-8,132, 81-8,133.01, 81-8,134, 81-8,137, and 81-8,139, R.R.S., 2014.)

002 – MEDICAL INFORMATION – PROFESSIONAL CONTESTANTS.

002.01 At least 15 days prior to a professional contestant's first scheduled event of the licensing year, each contestant must submit to the promoter the original or a certified copy of the following medical information:

002.01(A) A report from a complete annual physical examination conducted and signed by a licensed healthcare professional, stating that the contestant is physically fit for the anticipated activity; and

002.01(B) An eye examination conducted by a licensed healthcare professional stating that the contestant's vision is sufficient for the anticipated activity and which meets the minimum vision requirements as established in subsection 002.03.

002.02 The Commissioner will not issue a license or renew any applicant's license who is found to be blind in one eye or whose vision in one eye is so poor that a licensed healthcare professional recommends that a license not be granted, regardless of the contestant's vision in the other eye.

002.03 The Commissioner may deny, suspend, revoke, or place restrictions on the ability of a contestant to compete, when the results of the eye examination demonstrate that the contestant cannot safely engage in his or her respective sport because of a visual condition including but not limited to the following:

002.03(A) Uncorrected visual acuity of less than 20/200 in either eye or 20/60 with both eyes, unless the contestant competes with contact lenses;

002.03(B) Corrected visual acuity of less than 20/60 in either eye, regardless of its cause;

002.03(C) A visual field of 60 degrees or less extending over one or more quadrants of the visual field;

002.03(D) The presence or history of retinal detachment or retinal tear, unless treated by an ophthalmologist and then approved by an ophthalmologist who then assesses that the contestant is at no significant risk of further injury to the retina if contact is resumed. This assessment must occur within five days before the scheduled bout;

002.03(E) The presence of primary or secondary glaucoma, whether or not such condition has been treated; or

002.03(F) The presence of aphasia or dislocated lens in either eye or any other visual condition which the Commissioner determines would prevent the contestant from safely engaging in boxing or MMA activities.

002.04 At least 15 days prior to a professional contestant's first scheduled event of the licensing year, a contestant must submit to the promoter negative test results for the following items:

002.04(A) The presence of antibodies to HIV;

002.04(B) The antibodies of the hepatitis B virus or, with a surface antigen test, the presence of the antigen of the hepatitis B virus; and

002.04(C) The presence of antibodies to the hepatitis C virus.

002.05 Professional female contestants must submit:

002.05(A) A physician's written verification of a negative pregnancy test administered within 48 hours of the scheduled event; or

002.05(B) A negative result of an on-site pregnancy test, which test was conducted in the manner prescribed by the Commissioner.

(Sections 81-8,128, 81-8,129, 81-8,130, 81-8,131, 81-8,132, 81-8,133.01, 81-8,134, 81-8,137, and 81-8,139, R.R.S., 2014.)

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003 - MEDICAL INFORMATION – AMATEUR CONTESTANTS.

003.01 At least eight days prior to an amateur contestant's first scheduled event of the licensing year, each contestant must submit to the promoter the original or a certified copy of a complete annual physical examination conducted and signed by a licensed healthcare professional, stating that the contestant is physically fit for the anticipated activity.

003.02 At least eight days prior to an amateur contestant's first scheduled event of the licensing year, a contestant must submit to the promoter negative test results for the following items:

003.02(A) The presence of antibodies to HIV;

003.02(B) The antibodies of the hepatitis B virus or, with a surface antigen test, the presence of the antigen of the hepatitis B virus; and

003.02(C) The presence of antibodies to the hepatitis C virus.

003.03 Amateur female contestants must submit:

003.03(A) A physician's written verification of a negative pregnancy test administered within 48 hours of the scheduled event; or

003.03(B) A negative result of an on-site pregnancy test, which test was conducted in the manner prescribed by the Commissioner.

(Sections 81-8,128, 81-8,129, 81-8,130, 81-8,131, 81-8,132, 81-8,133.01, 81-8,134, 81-8,137, and 81-8,139, R.R.S., 2014.)

004 - MEDICAL INFORMATION – GENERAL APPLICABILITY.

004.01 All testing for HIV, the hepatitis B virus, and the hepatitis C virus must be done at a certified lab or by any other person authorized by law to conduct diagnostic blood tests. All costs associated with the required medical testing will be the responsibility of the contestant.

004.02 All test results for HIV, the hepatitis B virus, and the hepatitis C virus, along with the physical and eye exam required for professional contestants, expire at the end of the licensing year in which the test was performed.

004.03 The Commissioner will not issue a license or renew the license of any applicant who has suffered any type of cerebral hemorrhage.

004.04 Contestants must undergo a pre-bout and post-bout physical examination conducted by the attending physician. If the attending physician determines the contestant is unfit for competition, the contestant will be ineligible to compete. Any decision rendered under this subsection is final and not subject to administrative or judicial review.

004.05 Contestants who fail to appear at the appointed time and place to be examined and weighed or who leave the area without the permission of a Commission official before weigh-ins or physical exams are completed may be subject to disciplinary action, including cancellation of the contestant's bout.

004.06 The Commissioner reserves the right to have all medical test results, physicals, and other medical information reviewed by any medical doctor of the Commissioner's choice. Any decision of a medical doctor selected by the Commissioner under this subsection is final and not subject to administrative or judicial review.

(Sections 81-8,128, 81-8,129, 81-8,130, 81-8,131, 81-8,132, 81-8,133.01, 81-8,134, 81-8,137, and 81-8,139, R.R.S., 2014.)

005 – APPEARANCE AND GENERAL EQUIPMENT REQUIREMENTS.

005.01 Earrings, jewelry of any kind, and other body piercings must be removed before the beginning of the bout.

005.02 Each contestant must wear a fitted mouthpiece and must wear MMA shorts, biking shorts, or kick boxing shorts. Any shorts deemed indecent, offensive, inappropriate, or otherwise not suitable will not be allowed.

005.03 Male contestants must wear a foul-proof groin protector.

005.04 Female contestants must wear a protective sports bra. The protective sports bra cannot be covered by any additional item of clothing.

005.05 Contestants may not wear glasses during competition.

(Sections 81-8,128, 81-8,129, 81-8,130, 81-8,131, 81-8,132, 81-8,133.01, 81-8,134, 81-8,137, and 81-8,139, R.R.S., 2014.)

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006 – PROHIBITED ACTS.

006.01 A contestant cannot consume alcoholic beverages within 24 hours of a scheduled bout.

006.02 A contestant cannot walk to the ring with any person other than up to two licensed seconds.

006.03 Contestants must refrain from making obscene gestures or threatening or abusive language toward officials, other contestants, or spectators.

006.04 Contestants cannot climb into the ring.

006.05 Boxing and MMA contestants cannot engage in any sham, predetermined, or fixed bout and must display maximum effort when competing.

(Sections 81-8,128, 81-8,129, 81-8,130, 81-8,131, 81-8,132, 81-8,133.01, 81-8,134, 81-8,137, and 81-8,139, R.R.S., 2014.)

007 - PROHIBITED SUBSTANCE USE AND SUBMISSION TO DRUG TESTING.

007.01 Administering or using performance enhancing drugs, alcohol, or any legal or illegal stimulant, either before or during a bout, to or by any contestant, is prohibited. Any substance other than plain water given to a contestant during the course of the bout is prohibited.

007.02 The Commissioner, acting with reasonable cause or through random selection, may require a contestant to undergo a urinalysis or chemical test for the use of illegal drugs or for the use of any substance identified in the document adopted by reference in subsection 007.04.

007.03 In addition, the Commissioner may require each contestant competing in a professional boxing or professional MMA bout that is labeled or promoted as a championship bout to undergo a urinalysis or chemical test for the use of illegal drugs or for the use of any substance identified in the document adopted by reference in subsection 007.04.

007.04 The World Anti-Doping Agency's 2016 Prohibited List is hereby adopted and incorporated by reference as Attachment A. The use of any substance identified in the World Anti-Doping Agency's 2016 Prohibited List is hereby prohibited.

007.05 Any contestant's positive test for any prohibited substance or failure to cooperate in the testing process may be grounds for immediate suspension or revocation of the individual's license, may result in forfeiture of the related bout, and may be grounds for further disciplinary action as permitted by law.

(Sections 81-8,128, 81-8,129, 81-8,130, 81-8,131, 81-8,132, 81-8,133.01, 81-8,134, 81-8,137, and 81-8,139, R.R.S., 2014.)

CHAPTER 4 – EVENT REQUIREMENTS

001 – EVENT PERMITS.

001.01 An event permit must be obtained from the Commission by the promoter before every event. The request for the permit must be received by the Commission at least 21 days prior to the date of the scheduled event.

001.02 The promoter must send the Commission a list of all bouts and participating contestants at least 14 days prior to the scheduled event.

001.03 The Commissioner may disapprove any bout or reduce the number of rounds requested by the promoter between two contestants because of disparity with respect to age, physical ability, skill level, or experience. No licensee may serve at and no contestant may compete in a bout or event in any capacity if the Commissioner has denied an event permit.

001.04 Bouts in which more than two contestants are to compete at the same time and bouts between members of the opposite sex will not be approved.

001.05 Medical insurance, death benefit policies, and bonds must be current. Copies of these policies must be on file with the Commission before an event permit will be issued.

001.06 Causes for a denial of an event permit may include, but are not limited to:

001.06(A) Failure of a promoter or any person connected with the promoter to comply with any statute, rule, or regulation pertaining to professional boxing or amateur and professional MMA in Nebraska;

001.06(B) A mismatch of contestants based on the record, experience, skill level, and condition of the contestants;

001.06(C) A contestant being under suspension by another state or tribal athletic commission;

001.06(D) The event does not meet the requirements for the total number of scheduled rounds or bouts;

001.06(E) Individual bouts do not have the necessary number of rounds;

001.06(F) For boxing, an eight round main event is not scheduled; or

001.06(G) The Commissioner does not have adequate staff to enforce the statutes and rules regulating the event enacted and adopted to protect the health, safety, and welfare of the participants and spectators and guarantee the collection of revenue due to the State from the event and all ancillary rights incidental thereto.

001.07 If two or more event permits have been received by the Commissioner for same-day events of the same sport and such events are less than 100 miles apart, the Commissioner reserves the right to only approve the first complete application submitted.

001.08 The Commissioner reserves the right to refuse any permit because of an inadequate or unsafe site selection or for any other reason the Commissioner deems to be contrary to the best interests of the sport of MMA or boxing.

001.09 A promoter cannot schedule more than 40 rounds for any one event, except with the approval of the Commissioner. A promoter of an amateur or professional MMA event cannot schedule less than eight bouts for any one event nor more than 16 bouts.

001.10 An event must end no later than 11:59 p.m.

(Section 81-8,129, 81-8,130, 81-8,130.01, 81-8,133.01, and 81-8,139, R.R.S., 2014.)

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002 – CONTRACTS.

002.01 An original contract, along with any addendum to the contract or any agreement involving additional fees for service such as meals, lodging, and mileage, in addition to any agreed portion of the sale of television rights, must be filed with the Commissioner at least 14 days prior to the scheduled bouts, unless the Commissioner approves a specific individual exception.

002.02 No verbal or written agreement other than a contract on a form provided by the Commission will be accepted by the Commissioner.

002.03 No contract will be enforced by the Commissioner until the contract is in the possession of the Commissioner and meets all the requirements contained in these regulations. Only signed contracts and addendums completed in their entirety will be accepted and enforced by the Commissioner.

002.04 Deductions may be allowed only if the amount to be deducted is clearly specified and itemized on the contract addendum signed by the contestant and the promoter. If the Commissioner determines that the deductions are not sufficiently itemized, the Commissioner will not permit the deductions.

002.05 No contestant will be paid before a bout. No contestant will be paid who does not complete the terms of the contract or who is deemed by the Commissioner to be putting forth less than a maximum effort, such as when bouts are stopped for any reason other than the inability of the contestant to continue.

(Sections 81-8,129, 81-8,138, and 81-8,139, R.R.S., 2014.)

003 – MEDICAL INSURANCE AND DEATH BENEFIT.

003.01 No promoter may promote, organize, produce, or participate in a professional boxing bout or amateur or professional MMA bout in the state of Nebraska without providing health insurance for injuries sustained in the bout. The Benefit Period under the policy will be a minimum of 52 weeks from the date of the injury. The insurance coverage must provide for reimbursement to the licensed contestant for medical, surgical, and hospital care, with a minimum medical benefit of \$10,000 for injuries sustained while participating in any bout operated under the control of the licensee.

003.02 The coverage must provide for a contestant's medical expenses incurred for a minimum of 52 weeks from the date of the injury, provided that a physician indicates that the injuries are a result of the contestant's participation in the covered event. The first expense must be incurred within seven days after the date of the injury. The coverage will include, but is not limited to, direct expenses of medical and surgical treatment, radiology, emergency aid, and ambulance service to the nearest hospital, dental treatment of sound natural teeth, prescription drugs and medicines, operations and physical therapy, orthopedic appliances necessary to promote healing, hospital care and service in semi-private accommodations, or treatment at an outpatient facility for care arising directly from injuries incurred during an event approved by the Commissioner.

003.03 The promoter will be responsible for paying any deductible amounts. The schedule of benefits and a copy of the policy must be on file with the Commission prior to the issuance of an event permit. The Commission may, in its discretion, increase the amount of minimum limits.

003.04 The promoter will provide a minimum death benefit in the amount of \$10,000 for each professional boxer or amateur and professional MMA contestant. A copy of the policy must be on file with the Commission prior to the issuance of an event permit for a scheduled event.

003.05 The insurance provisions and requirements contained in these rules and regulations cannot be waived by any contestant or licensee.

(Sections 81-8,129, 81-8,138, and 81-8,139, R.R.S., 2014.)

004 – GROSS RECEIPTS TAX AND SALE OF TICKETS.

004.01 No licensee may sell, direct the sale of, or otherwise cause to be sold any ticket, except as authorized in these regulations.

004.02 Each promoter conducting or holding any boxing or MMA event must pay to the Commissioner a gross receipts tax of five percent of the total gross receipts of any event and five percent of the total gross receipts from the sale of television rights. Gross receipts excludes any other state or federal taxes.

004.03 All taxes must be paid immediately after the event, unless other arrangements have been made by the Commissioner.

004.04 If a professional boxing or amateur or professional MMA bout is held as an incidental feature at any event or entertainment of a different character, the portion of the total receipts paid to the State will be determined by the Commissioner or as may be fixed by rule.

004.04(A) For any MMA or professional boxing bout conducted as a feature at any event or entertainment, where the price of admission for such event or entertainment allows spectators to attend any or all bouts and the licensee is supplying the contestants for a set fee, the gross receipts tax of five percent will be collected on the amount contracted between the licensee and the private entity.

004.04(B) A copy of the contract and a notarized copy of the check for payment must be submitted to the Commissioner. In the event there is no contract, the promoter and the private entity must sign a notarized affidavit stating the amount paid to the promoter for his or her service and a notarized copy of the check for payment must be submitted to the Commissioner. The gross receipts tax of five percent of the amount paid to the licensee must be paid to the Commissioner.

004.05 Whenever any person, promoter, corporation, association, or other entity fails to make a report of any event at the time and in the manner prescribed by Neb. Rev. Stat. § 81-8,135 or these regulations or whenever a report is unsatisfactory to the Commissioner, the Commissioner may examine or cause to be examined the books and records of the person, promoter, corporation, association, or other entity. The Commissioner may subpoena and examine under oath, any officers or persons as witnesses for the purpose of determining the total amount of the gross receipts for any event and the amount of taxes due and the Commissioner may, upon and as a result of the examination, determine and assess the tax that is due.

004.06 In the event of a failure to pay any taxes determined to be due, together with the expenses incurred in conducting the examination, for a period of 20 days after notice to the promoter, corporation, association, or person of the amount, the delinquent promoter, corporation, association, or person will forfeit its, his, or her license and be disqualified from receiving any new license or any renewal of its, his, or her license. Additionally, it, he, or she is subject to a civil penalty of \$1,000 in the case of amateur licenses or \$5,000 in the case of professional licenses. Any penalty may be recovered by the Attorney General in the name of Nebraska in the same manner as other penalties are recovered by law.

004.07 Every person admitted to an event must have a ticket or a pass, complimentary or otherwise. Every admission ticket, complimentary ticket, or pass must be scanned and

recorded on an electronic manifest or deposited immediately by the ticket takers in a closed container, such as a ticket box, to be provided by the promoter. No ticket may be removed from the ticket boxes or otherwise disposed of until released by a Commission official.

004.08 The Commissioner has complete control and supervision of the sale of tickets, ticket boxes, entrance doors, and all exits for the purpose of checking admission controls. Commission officials must be provided with all information and materials necessary for an accurate accounting, including the printer's manifest showing the total number of tickets printed and the admission prices of each, and first and last numbers of rolled tickets. Advanced tickets must be accounted for as part of the gross receipts.

004.09 The promoter must sell all tickets for the exact price printed on the ticket. No licensee may sell any ticket for an amount other than the face value, direct the sale of any ticket for an amount other than face value, or otherwise derive any revenue from the sale of any ticket sold at an amount other than the face value. The price of tickets sold at the site of an event must be displayed adjacent to all ticket sellers' tables or above the ticket sellers' window.

004.10 The Commission has the authority to count the cash received from the sale of tickets if deemed necessary. The amount of the cash change fund or starting bank must be recorded. Any withdrawals from the cash receipts prior to the final accounting must be approved by the Commissioner.

004.11 All tickets must have a face value of at least \$1.00, except for complimentary tickets or tickets or passes issued to the media, Commission officials, or other necessary event staff.

004.12 Complimentary tickets are not subject to the gross receipts tax. A complimentary ticket does not include any sponsorship ticket, regardless of the sponsorship ticket's face value.

004.13 The number of complimentary tickets must not exceed five percent of the seating capacity of the event.

004.14 All complimentary tickets must be listed on a form showing the number of complimentary tickets issued and by whom the issuance was approved. The completed form must be turned over to the Commissioner with all other required reports. No licensee may sell, direct the sale of, or otherwise share in any revenue derived from the sale of any complimentary ticket.

004.15 The five percent gross receipts tax will be applied to the entire amount paid for any sponsorship or advertising package that includes sponsorship tickets, unless the licensee can demonstrate, to the satisfaction of the Commissioner, the actual cumulative value of all sponsorship tickets, in which case the gross receipts tax will only be applied to such actual cumulative value.

004.16 A promoter must disclose to the Commissioner, in writing, the amount received for any sponsorship or advertising package that includes sponsorship tickets. Upon request, the licensee must provide signed copies of all such contracts or agreements and a notarized copy of any check received for payment.

004.17 Once sponsorship tickets are provided to the person or entity purchasing advertising at or during media coverage of an event, the sponsorship tickets may not be resold. No licensee may resell, direct the resale of, or otherwise derive any revenue from the resale of any sponsorship ticket.

004.18 A final accounting of ticket sales will be made in a private office or room with only Commission officials and one promoter representative present.

(Sections 81-8,129, 81-8,135, 81-8,136, 81-8,139, and 81-8,141, R.R.S., 2014.)

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005 – RING REQUIREMENTS.

005.01 For boxing, the ring cannot be less than 16 feet nor more than 25 feet square within the ropes, and must be elevated no less than three and one-half feet nor more than four feet from the floor of the building. Three sets of steps suitable for use by contestants and officials must be provided. The ring post must be made of metal not less than three inches and not more than four inches in diameter, extending from the floor to the height of 58 inches above the ring floor. The ropes must be connected to the posts with extensions not shorter than 18 inches.

005.02 For boxing, the ropes can be either three or four in number. If three ropes are used, they must extend in a triple parallel line two, three, and four feet above the ring floor. If four ropes are used, the lower rope must be 18 inches above the ring floor, the second 32 inches, the third 42 inches, and the fourth rope 54 inches above the ring floor. The ropes cannot be less than one inch in diameter and must be wrapped in soft material, with the corners padded with protective covers.

005.03 For boxing, the ring floor must extend beyond the lower rope at least 18 inches, with 24 inches being preferred. The entire floor and ring apron must be padded with ensolite, felt, matting, or similar material, to a thickness of at least one inch, and must be approved by a Commission official. A canvas or similar material, stretched tightly and laced or fastened to the outer edge of the ring floor, must cover the padding. Boards must be of sufficient strength as to provide safety and protection for the contestants and officials.

005.04 For MMA, the ring must adhere to the requirements set by the Unified Rules of Mixed Martial Arts, incorporated by reference as Attachment C.

005.05 For boxing and MMA, the first row of spectator seats or tables cannot be closer than ten feet from the edge of the ring. The area adjacent to the ring is under the control of the Commissioner and is for the use of Commission officials, judges, the timekeeper, one or more attending physician, the promoter, designated media representatives, and other individuals as permitted by the Commissioner. It is the responsibility of the promoter to ensure seating for all such persons. The promoter is responsible for ensuring that the area adjacent to the ring is secure and free of unauthorized individuals.

(Sections 81-8,129 and 81-8,139, R.R.S., 2014.)

006 – GLOVES.

006.01 All gloves will be furnished by the promoter and must be new or in good condition. All main event and amateur and professional MMA championship bout contestants must use new gloves. The Commissioner may approve exceptions to this regulation.

006.02 All gloves must be whole, clean, and in a sanitary condition. All gloves are subject to inspection by a Commission official or the referee. The promoter must clean and sanitize all gloves after each bout and remove any dried blood or foreign material.

006.03 All gloves must be examined and approved by a Commission official. If any padding is found to be insufficient or the gloves are otherwise imperfect or ill-fitting, the gloves must be replaced before the bout can begin. No breaking, skinning, roughing, or twisting of the gloves is permitted.

(Sections 81-8,129 and 81-8,139, R.R.S., 2014.)

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007 – EVENT ANNOUNCEMENTS AND MUSIC.

007.01 No person, other than a person officially identified with the sport, can be introduced from the ring except as authorized by the Commissioner. At the end of each bout, the winner will be announced and the referee will raise the winner's hand.

007.02 At the beginning of each event, it must be announced that all bouts are licensed by the Nebraska Athletic Commission. Other announcements must be limited to those pertaining to present and future bouts, unless specifically authorized by the Commissioner. Political announcements or references are not permitted.

007.03 Any music played prior to or during the event, including contestants' entrance music, whether live or pre-recorded, that contains any sexually explicit, vulgar, degrading, or other inappropriate language is not permitted. The playing of any such music will result in disciplinary action. The Commissioner may immediately eject from the venue any person violating this section.

(Sections 81-8,129 and 81-8,139, R.R.S., 2014.)

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CHAPTER 5 – PROFESSIONAL BOXING

001 – GENERAL REQUIREMENTS.

001.01 All professional boxing contests must be conducted under the supervision of the Commissioner.

001.02 The Unified Rules of Boxing are hereby adopted, subject to the exceptions, amendments, and clarifications contained in these regulations, and incorporated by reference as Attachment B.

001.03 Professional boxing contestants must have been in training for a minimum of 30 days prior to being approved to compete and issued a license. The contestant will not be permitted to box in any bout scheduled for more than four rounds for his or her first four bouts and will not be permitted to compete in any bout of more than six rounds until he or she has participated in ten or more professional bouts. Exhibition bouts will not be allowed as part of any licensed event. Instead, stand-by bouts previously approved must be utilized to fill an event. The Commissioner must approve any exception to this regulation.

001.04 No professional boxing bout may be advertised or promoted as a championship bout unless it has the specific approval of the Commissioner. No promoter may advertise any boxer as a champion or contender in any manner which is false or misleading.

001.05 Contestants must be ready to enter the ring immediately after the finish of the preceding bout. Any contestant causing a delay of more than five minutes because he or she is not ready to proceed with his or her bout when called may be subject to disciplinary action. Contestants in the main event must be in the building where the bout is to be held and ready to compete at the scheduled start time of the first bout.

(Sections 81-8,129, 81-8,134, and 81-8,139, R.R.S., 2014.)

002 – OFFICIATING A PROFESSIONAL BOXING BOUT.

002.01 There is no standing eight count or three knockdown rule.

002.02 When the referee or the contestant's corner determines that it is unsafe for the contestant to continue, the bout is stopped and the result is recorded as a technical knockout.

002.03 No person other than the contestants and the referee can enter the ring during the bout. Between rounds, one second may be inside the ring and the other second must remain on the ring apron. The licensed physician may enter the ring to examine an injury to a contestant if asked to do so by the referee. A contestant cannot leave the ring during any one-minute rest period between rounds.

002.04 The following tactics are fouls:

002.04(A) Hitting below the belt or after the bell has terminated the round;

002.04(B) Hitting an opponent who is down or who is getting up after being down;

002.04(C) Holding an opponent or deliberately maintaining a clinch;

002.04(D) Holding an opponent with one hand and hitting with the other hand;

002.04(E) Butting with the head or shoulder or using a knee;

002.04(F) Hitting with the laces of the glove or the heel of the hand, the wrist, elbow, or the back of the hand;

002.04(G) Hitting or flicking with an open glove or thumb;

002.04(H) Wrestling, hitting on the break, or pushing an opponent;

002.04(I) Spitting out the mouthpiece or going down without being hit;

002.04(J) Striking deliberately at that part of the body over the kidneys;

002.04(K) Use of a pivot or rabbit punch;

002.04(L) Hitting an opponent during intervention by the referee;

002.04(M) Hitting an opponent who is entangled in the ropes;

002.04(N) Biting or any unsportsmanlike conduct;

002.04(O) Abusive or profane language;

002.04(P) Failure to obey the referee;

002.04(Q) Any physical action which may injure a contestant, except by fair sportsmanlike boxing; and

002.04(R) Passive defense by means of double cover and falling intentionally to avoid getting hit by the opponent.

002.05 The referee may penalize a contestant for committing any of the listed fouls by deducting points from his or her score in the round or rounds that the fouls were committed. The referee must notify the judges between rounds of the foul points deducted. If, in the referee's judgment, the foul was of a serious nature or intentionally inflicted, the referee may award the bout to the contestant who was fouled.

002.06 In the case of an intentional foul, the referee may interrupt the bout for a period of time not to exceed five minutes for the purpose of allowing the injured contestant time to recover. Any contestant guilty of an intentional foul will be penalized one or more points as determined by the referee. If the injured contestant is unable to continue, the offending contestant will be disqualified and his or her purse will be held. The disposition of the purse and the penalty to be imposed upon the offending contestant will be determined by the Commissioner.

002.07 In assessing fouls, the referee must weigh the cause as well as the act. When a foul is unintentionally inflicted but intentionally received, it should be applied to the deliberate recipient.

002.08 If a contestant receives a low blow and the referee has seen the blow delivered, the referee may permit a rest period of no more than five minutes. The referee will first direct the offending contestant into a neutral corner and issue an official warning. During the rest period, seconds may not assist or coach either contestant. If the contestant who received the low blow indicates he or she is ready to continue the bout, the referee will give the appropriate command after the end of the rest period. If the offended contestant refuses to continue after the five-minute rest period, the referee may name the other contestant as the winner.

002.09 A contestant cannot be named the winner of a bout as a result of receiving a low blow unless, in the opinion of the referee, the blow was delivered deliberately and was of such force as to seriously incapacitate the offended contestant and the contestant cannot in fact continue. In such a circumstance, the referee will disqualify the offending contestant.

002.10 The referee will warn or penalize a contestant who uses the ropes, deliberately spits out his or her mouthpiece, or uses other unfair means to gain an advantage. The referee will not permit unfair practices that may cause injuries to a contestant. The only fair blow is a blow delivered with the padded knuckle part of the glove on the front or sides of the head and body above the hip line.

002.11 When a bout is interrupted due to an injury caused by an unintentional foul, the referee, in consultation with the attending physician, will determine if the contestant who was fouled can continue.

002.11(A) If the referee observes or if, after consultation with the judges determines that a contestant was unintentionally fouled and the contestant's chances of winning have not been seriously jeopardized as a result, the referee may order the bout to continue after a maximum five minute rest.

002.11(B) If the referee or the attending physician determines that the bout may not continue because of the injury or because of an injury inflicted by an unintentional foul which later becomes aggravated by fair blows, the bout must be declared a technical draw if the bout is stopped before the bell rings to begin the fifth round. If the referee or the attending physician makes this determination after the bell rings to begin the fifth round, the outcome will be determined by scoring the completed rounds and the round in which the referee or attending physician stopped the bout.

002.11(C) When an unintentional foul causes the bout to be interrupted for the purpose of allowing the injured contestant time to recover, the referee will inform the judges to deduct one point from the boxer guilty of the foul.

002.12 If a contestant falls due to fatigue or is knocked down by his or her opponent, he or she will be allowed ten seconds to rise. The opponent must go to the farthest neutral corner and remain there while the count is being made.

002.13 When a contestant is knocked down as a result of a punch, the referee must order the opponent to a neutral corner. A contestant is considered down when any part of the contestant's body, except for the feet, is on the floor or the contestant is hanging helplessly over the ropes. If the opponent fails to stay in the neutral corner, the referee must stop the count until the opponent returns to the corner. Once the opponent has returned to the corner, the referee may continue the count from the point where interrupted. The referee's count is the official count.

002.14 When a fallen contestant rises and falls again without being hit, the referee will continue the original count rather than starting a new count. If the bell rings ending the round during the count, the count will continue; a contestant cannot be saved by the bell in any round.

002.15 If a contestant taking the count is still down when the referee calls the count of ten or if, during the count, it is the opinion of the referee that the fallen contestant is in no condition to continue, the referee must wave both arms to indicate a knockout and the bout is stopped.

002.16 An eight count is mandatory in the case of a knockdown and no contestant may resume fighting until the referee has finished counting eight.

002.17 When a mouthpiece is knocked out, the referee may allow the bout to continue until there is a break in the action. A time-out will then be called and the mouthpiece rinsed and handed to the contestant's second, who will immediately replace the mouthpiece in the contestant's mouth.

002.18 If a contestant is propelled through the ropes and onto the floor or surrounding tables or chairs clear of the ring, he or she will be given 20 seconds to rise to his or her feet and return to the ring. A contestant cannot be assisted to his or her feet by a second. If the contestant is assisted, the contestant will be disqualified.

002.19 If both contestants are knocked down at the same time, the counting will continue as long as one of them is still down. If both contestants remain down until the count of ten, the bout must be stopped and the decision will be a technical draw.

002.20 Whenever a contestant has been seriously injured, knocked out, or technically knocked out, the referee must immediately summon the attending physician to aid the fallen contestant. Managers and seconds are not permitted to attend the fallen contestant unless requested to do so by the physician.

002.21 The referee may stop a bout:

002.21(A) Due to the physical condition of one or both of the contestants;

002.21(B) When one of the contestants is clearly out-classed by his or her opponent; or

002.21(C) For any other reason deemed necessary by the referee.

002.22 In the event of serious cuts, the referee must summon the attending physician and the physician will determine if the bout can continue.

002.23 A contestant may be penalized, disqualified, or subjected to disciplinary action if the contestant deliberately wrestles or throws an opponent from the ring or punches an opponent who is partially out of the ring and prevented by the ropes from assuming a position of defense.

002.24 A contestant who records five consecutive losses or whose ability to compete safely is questionable may be placed on administrative suspension. The suspension will be at the discretion of the Commissioner, after reviewing the contestant's skill level, age, and overall record.

(Sections 81-8,129, 81-8,133, 81-8,134, and 81-8,139, R.R.S., 2014.)

003 – WEIGH-INS AND WEIGHT REQUIREMENTS.

003.01 Weigh-ins must be completed on the day of the event or, with the approval of the Commissioner, may be held up to 24 hours prior to the scheduled start of the event.

003.02 Weigh-ins must be conducted in the presence of a Commission official on a scale examined and approved by a Commission official or otherwise supplied by the Commissioner.

003.03 At the time of the weigh-in, professional contestants must present the Commission a federal identification card approved by the Association of Boxing Commissions which is on file with the national boxing registrar.

003.04 All professional boxing weights will be determined by and set in the contract between the contestants. The weight difference will not exceed five pounds unless permission is received in writing from the Commissioner.

(Sections 81-8,129, 81-8,134, and 81-8,139, R.R.S., 2014.)

DRAFT

004 – EQUIPMENT.

004.01 Each contestant must provide an abdominal guard with protective cup, two pair of trunks of contrasting color, shoes, and an approved custom fitted mouthpiece.

004.02 Hand wraps must be applied in the dressing room in the presence of a Commission official and a representative of the contestant's opponent. A contestant may waive witnessing the wrapping of the opponent's hands.

004.03 One winding of surgical tape, not over one and one-half inches wide, may be placed directly on the hand to protect the part of the hand near the wrist. The tape may cross the back of the hand twice but cannot extend to within one inch of the knuckles when the hand is clenched to make a fist. A single four inch by four inch surgical pad or equivalent material approved by a Commission official, folded in half, may be used on the knuckles of each hand for added protection and safety. Single strips of surgical tape, not wider than one-fourth inch and no longer than three inches, may be placed between the knuckles in order to hold the gauze in place. Contestants must use a soft surgical bandage not over two inches wide and 20 yards in length, held in place by not more than three yards of surgical tape, to complete the wrappings for each hand.

004.04 The gloves cannot be twisted or manipulated in any way by the contestants or others. If a glove breaks or a string becomes untied during the bout, the referee will instruct the timekeeper to take a time-out while the glove issue is being corrected. All gloves must be checked by a Commission official prior to the start of the bouts. Any snagged, torn, or unfit gloves will not be approved for competition.

(Sections 81-8,129, 81-8,134, and 81-8,139, R.R.S., 2014.)

005 – ROUNDS.

005.01 The maximum number of rounds for a boxing bout is ten rounds, except for a championship bout, which may not exceed 15 rounds. Each round will be three minutes, with a rest period of one minute between rounds.

005.02 The timekeeper must signal ten seconds before the beginning or the end of each round. No second may be in contact with the ring apron and seconds must remain seated in the corner until the sounding of the bell that ends the round.

005.03 Any contestant who has participated in a professional boxing bout scheduled for four rounds or more cannot participate in a boxing bout or exhibition in Nebraska for at least seven days, unless specifically authorized by the Commissioner. At the request of the Commissioner, main event boxing contestants may be required to report and train in public in the city where the bout is scheduled to be held at least three days prior to the scheduled event.

(Sections 81-8,129, 81-8,134, and 81-8,139, R.R.S., 2014.)

DRAFT

CHAPTER 6 – MIXED MARTIAL ARTS

001 – GENERAL REQUIREMENTS.

001.01 All amateur and professional MMA contests and exhibitions must be conducted under the supervision of the Commissioner.

001.02 The Unified Rules of Mixed Martial Arts are hereby adopted, subject to the exceptions, amendments, and clarifications contained in these regulations, and incorporated by reference as Attachment C.

(Sections 81-8,130.01, 81-8,131, and 81-8,139, R.R.S., 2014.)

DRAFT

002 – CONTESTANTS.

002.01 All amateur MMA contestants must be affiliated with a promoter and the promoter is responsible for and must verify the competitor's competence and ability to compete.

002.02 Each contestant must present to a Commission official, either at the time of the scheduled weigh-in or with his or her license application, two forms of identification. One form of identification must be a color photo identification card with his or her date of birth and Social Security number.

002.03 Each contestant must provide to a Commission official a color passport type photo with the application for a license and application for the MMA National I.D. Card.

002.04 All contestants must have trained for at least 45 days prior to the scheduled event and must be approved to compete by the Commissioner.

002.05 Except as otherwise provided in this subsection, the use of ointments applied anywhere on a contestant's body is strictly prohibited. The use of topical substances is not permitted, except that petroleum jelly may be applied to the face, excluding the cheek area and chin. Petroleum jelly may only be applied in the presence of the referee or a Commission official. Any unauthorized or misapplied substance must be completely removed before a bout can begin. The detection of an unauthorized or misapplied substance may result in disciplinary action. Any contestant that appears at the ring ready to compete may be disqualified if a prohibited substance cannot be immediately removed.

002.06 Contestants under the care and treatment of a physician and receiving prescribed medication will be reviewed on a case by case basis by the attending physician at the time of the pre-bout medical examination. Any decision of the attending physician to refuse to allow a contestant to compete due to a pre-existing injury or condition or due to the contestant's prescribed medication is final and not subject to administrative or judicial review.

002.07 Any amateur MMA contestant who loses consciousness from a submission hold will be suspended by the Commissioner for 180 days.

(Sections 81-8,130.01, 81-8,131, and 81-8,139, R.R.S., 2014.)

003 – AMATEUR AND PROFESSIONAL STATUS.

003.01 All MMA contestants will be required to have a minimum of five recorded amateur bouts prior to being licensed and permitted to compete as a professional. A contestant may request a waiver from the Commissioner of this requirement.

003.02 A contestant may not participate as an amateur:

003.02(A) If he or she has ever been a competitor in any professional striking sport including, but not limited to, professional boxing or professional kickboxing; or

003.02(B) If he or she has received a fee or purse for competing as a professional in any MMA event.

003.03 Competing for or winning a prize other than cash in an MMA event does not deem a contestant as a professional within the scope of these rules.

003.04 Expenses for amateur contestants are limited to actual expenses, including deductible amounts for any injuries covered by insurance, which must be paid by the promoter hosting the event.

(Sections 81-8,130.01, 81-8,131, and 81-8,139, R.R.S., 2014.)

004 – WEIGH-INS AND WEIGHT REQUIREMENTS.

004.01 Weigh-ins must be completed on the day of the event or may be held up to 24 hours prior to the scheduled start of the event with the approval of the Commissioner.

004.02 Weigh-ins must be conducted in the presence of a Commission official on a scale examined and approved by a Commission official or supplied by the Commissioner.

004.03 All MMA contestants will agree to compete at a stipulated weight, which will be identical for both contestants.

004.04 Amateur MMA contestants may participate in a bout if:

004.04(A) Found to be within three pounds of the stipulated weight at the weigh-in; or

004.04(B) The Commissioner determines the bout would still be fair, safe, and competitive, and the contestant weighing the lesser amount agrees to participate.

004.05 A professional MMA contestant may participate in a bout if:

004.05(A) The contestant is found to be less than one pound over the stipulated weight at the weigh-in; or

004.05(B) The Commissioner determines the bout would still be fair, safe, and competitive, and the contestant weighing the lesser amount agrees to participate.

(Sections 81-8,130.01, 81-8,131, and 81-8,139, R.R.S., 2014.)

005 – ROUNDS.

005.01 Amateur MMA bouts will consist of three rounds which are each three minutes in duration, with a 60-second rest period between each round. A ten-second warning signal will be given prior to the start of the next round.

005.02 Professional MMA bouts will consist of three rounds which are each five minutes in duration, with a 60-second rest period between each round. A ten-second warning signal will be given prior to the start of the next round.

005.03 Amateur championship bouts will consist of three rounds which are each four minutes in duration, with a 60-second rest period between each round. A ten-second warning signal will be given prior to the start of the next round.

005.04 Professional championship bouts will consist of five rounds which are each five minutes in duration, with a 60-second rest period between each round. A ten-second warning signal will be given prior to the start of the next round.

(Sections 81-8,130.01, 81-8,131, and 81-8,139, R.R.S., 2014.)

DRAFT

006 – ELIMINATION TOURNAMENTS .

006.01 All provisions of statute and regulation pertaining to license and fees, event permits, contracts, tickets, the unified rules, ring requirements, attending physician, judges, referees, matchmakers, timekeepers, seconds, promoters, managers, and medical insurance, in addition to the provisions in this section, will apply to elimination tournaments.

006.02 A winning contestant is required to have a minimum of a 30-minute rest interval between bouts. During the 30-minute rest interval, the contestant must be checked and cleared by the attending physician to compete in the next bout. All contestants must undergo pre-bout and post-bout physicals. Any decision of the attending physician is final.

006.03 No MMA contestant will be permitted to participate in any licensed bout more than once a day in any seven-day period, except during a scheduled and licensed tournament requiring more than two days to complete. No MMA contestant may be allowed to compete more than once in any calendar day unless the event is a scheduled and licensed amateur MMA tournament and only in accordance with the following:

006.03(A) The competition is a tournament which was approved by the Commissioner a minimum of 21 days prior to the scheduled date of the event. A promoter who is short on the minimum number of required bouts cannot change the card to a tournament in an attempt to make up the shortage pursuant to the rules and regulations;

006.03(B) All first-round tournament bouts must be the first bouts on the approved event. Each session must be split by at least a 15-minute intermission followed by a minimum of four non-tournament bouts giving each contestant a minimum 30-minute rest between bouts;

006.03(C) Each first session winner must undergo a second pre-bout physical and be cleared to compete in the second session by the attending physician. Any contestant not cleared to compete in the second session will be disqualified and will not be allowed to compete again during the same event;

006.03(D) First session losers are out of the competition and may not compete again during the same event; and

006.03(E) Under no circumstances can amateur MMA tournament contestants be allowed to compete more than twice on the same day.

006.04 An elimination tournament must be a single elimination event with the losing contestant not being allowed to participate in the same program of bouts. If a bout is declared a draw, the judges will reevaluate their scorecards and select a winner.

(Sections 81-8,130.01, 81-8,131, and 81-8,139, R.R.S., 2014.

CHAPTER 7 – PRACTICE AND PROCEDURE

001.01 – PROHIBITIONS AGAINST EX PARTE COMMUNICATIONS.

001.01(A) PROHIBITIONS; WHEN APPLICABLE. The prohibitions found in this section shall apply beginning at the time notice for hearing is given.

001.01(B) PROHIBITIONS; TO WHOM APPLICABLE.

001.01(B)(i) PARTIES AND PUBLIC. No party in a contested case or other person outside the Commission having an interest in the contested case shall make or knowingly cause to be made an ex parte communication to the hearing officer, the Commissioner, or to an employee who is or may reasonably be expected to be involved in the decision making process of the contested case.

001.01(B)(ii) PERSONS IN DECISION MAKING ROLES. No hearing officer or the Commissioner or an employee who is or may reasonably be expected to be involved in the decision making process of the contested case shall make or knowingly cause to be made an ex parte communication to any party in a contested case or other person outside the Commission having an interest in the contested case.

001.01(B)(iii) INVESTIGATORS. The Commissioner or a Commission employee engaged in the investigation or enforcement of a contested case shall not make or knowingly cause to be made an ex parte communication to a hearing officer or the Commissioner or Commission employee who is or may reasonably be expected to be involved in the decision making process of the contested case.

001.01(C) DISCLOSURE OF CONTACTS. The hearing officer or Commissioner or Commission employee who is or may reasonably be expected to be involved in the decision making process of the contested case who receives or who makes or knowingly causes to be made an ex parte communication set forth in subsections 001.01(B)(i) through 001.01(B)(iii) shall file in the record of the contested case:

001.01(C)(i) All such written communications;

001.01(C)(ii) Memoranda stating the substance of all such oral communications; and

001.01(C)(iii) All written responses and memoranda stating the substance of all oral responses to all the ex parte communications.

001.01(C)(iv) The filing shall be made within two working days of the receipt or making of the ex parte communication. Notice of the filing, with an opportunity to respond, shall be given to all parties of record.

001.01(C)(v) Filing and notice of filing provided under subsection 001.01(B)(ii) is not considered on the record and reasonable notice for purposes of the definition of ex parte communication.

001.02 INTERVENTION IN A CONTESTED CASE.

001.02(A) Intervention in a contested case is allowed when the following requirements are met:

001.02(A)(i) A petition for intervention must be submitted in writing to the hearing officer at least five days before the hearing. Copies must be mailed by the petitioner for intervention to all parties named in the hearing officer's notice of the hearing;

001.02(A)(ii) The petition must state facts demonstrating that the petitioner's legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

001.02(A)(iii) The hearing officer must determine that the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.

001.02(B) The hearing officer may grant a petition for intervention at any time upon determining that the intervention sought is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings.

001.02(C) If a petitioner qualifies for intervention, the hearing officer may impose conditions upon the intervenor's participation in the proceedings, either at the time that intervention is granted or at any subsequent time. Those conditions may include:

001.02(C)(i) Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition;

001.02(C)(ii) Limiting the intervenor's use of discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings; and

001.02(C)(iii) Requiring two or more intervenors to combine their presentation of evidence and argument, cross-examination, discovery, and other participation in the proceedings.

001.02(D) The hearing officer, at least 24 hours before the hearing, shall issue an order granting or denying each pending petition for intervention, specifying any conditions and briefly stating the reasons for the order.

001.02(D)(i) The hearing officer may modify the order at any time, stating the reasons for the modification.

001.02(D)(ii) The hearing officer must promptly give notice of an order granting, denying, or modifying intervention to the petitioner for intervention and to all parties.

001.03 COMMENCEMENT OF A CONTESTED CASE.

001.03(A) The contested case begins with the filing of a petition and request for hearing, if applicable, with the Commission. The petition is the initial document filed by or with the Commission that sets forth a claim and request for Commission action.

001.03(B) The parties to a contested case are the petitioner or person by whom a

contested case is brought and the respondent or person against whom a contested case is brought.

001.03(C) A party may appear on his or her own behalf in a contested case proceeding or may be represented by an attorney or other representative as permitted by law.

001.03(D) The pleadings in a contested case may include a petition, answer, reply, notice, motion, stipulation, objection, or order or other formal written document filed in a proceeding before the Commission. Any pleading filed in a contested case must meet the following requirements:

001.03(D)(i) The pleading must contain a heading specifying the Commission and the title or nature of the pleading shall state material factual allegations and state concisely the action the Commission is being requested to take, must contain the name and address of the petitioner, and must be signed by the party filing the pleading, or when represented by an attorney, the signature of that attorney.

001.03(D)(i)(1) Attorneys must also include their address, telephone number, and bar number.

001.03(D)(i)(2) The initial petition must also contain the name and address of the respondent.

001.03(D)(ii) All pleadings must be made on white, letter-sized (8½" x 11") paper and shall be legibly typewritten, photostatically reproduced, printed or handwritten. If handwritten, a pleading must be written in ink.

001.03(E) All pleadings must be filed with the Commission's official office. Filing may be accomplished by personal delivery or mail and will be received during regular office hours of the Commission.

001.03(F) The Commission must serve a copy of the petition on each respondent listed in the petition personally or by first class or certified mail. Written proof of service must be filed with the Commission. Each respondent who chooses to file a responsive pleading must do so within 20 days from the date of personal service or the date of Commission mailing of the petition.

001.03(G) All pleadings subsequent to the initial petition must be served by the party filing the pleading upon all attorneys of record or other representatives of record and upon all unrepresented parties. Service must be made personally or by first class or certified mail. Written proof of service must be filed with the Commission.

001.03(H) Unless state law provides that a hearing is not required, a hearing date will be set by the hearing officer in accordance with statutory requirements. A written notice of the time and place of hearing and the name of the hearing officer, if known, must be served by the Commission upon all attorneys of record or other representatives of record and upon all unrepresented parties. The notice must include a proof of service and will be filed with the Commission.

001.03(I) In computing time prescribed or allowed by Chapter 7 or by any applicable statute in which the method of computing time is not specifically provided, days will be

computed by excluding the day of the act or event and including the last day of the period. If the last day of the period falls on a Saturday, Sunday, or state holiday, the period includes the next working day.

001.04 HEARING OFFICER; CRITERIA.

001.04(A) The Commissioner has the authority to delegate to a hearing officer or hearing officers the functions of conducting a prehearing conference, a hearing, or both, and submitting a recommended decision to the Commissioner.

001.04(B) A person who has served as investigator, prosecutor, or advocate in a contested case or in its prehearing stage may not serve as hearing officer or assist or advise a hearing officer in the same proceeding except as provided in subsection 001.04(D).

001.04(C) A person who is subject to the authority, direction, or discretion of one who has served as investigator, prosecutor, or advocate in a contested case or in its prehearing stage may not serve as hearing officer or advise a hearing officer in the same proceeding except as provided in subsection 001.04(D).

001.04(D) If all parties consent, a person who has served as or who is subject to the authority, direction, or discretion of one who has served as investigator, prosecutor, or advocate in a contested case or in its prehearing stage may assist a hearing officer in the preparation of orders.

001.04(E) A person who has participated in a determination of probable cause or other equivalent preliminary determination in a contested case may serve as hearing officer or assist or advise a hearing officer in the same proceeding.

001.04(F) A person may serve as hearing officer at successive stages of the same contested case.

001.05 PREHEARING PROCEDURES.

001.05(A) PREHEARING CONFERENCES AND ORDERS. A hearing officer designated to conduct a hearing may determine, subject to the Commission's rules and regulations, whether a prehearing conference will be conducted. If a prehearing conference is not held, a hearing officer for the hearing may issue a prehearing order, based on the pleadings, to regulate the conduct of the proceedings.

001.05(A)(i) If a prehearing conference is conducted:

001.05(A)(i)(1) The hearing officer must promptly notify the Commission of the determination that a prehearing conference will be conducted. The Commissioner may assign another hearing officer for the prehearing conference; and

001.05(A)(i)(2) The hearing officer for the prehearing conference will set the time and place of the conference and give reasonable written notice to all parties and to all persons who have filed written petitions to intervene in the matter. The Commission must give notice to other persons entitled to notice.

001.05(A)(i)(3) The notice referred to in subsection 001.05(A)(i)(2) must include the following:

001.05(A)(i)(3)(a) The names and mailing addresses of all parties and other persons to whom notice is being given by the hearing officer;

001.05(A)(i)(3)(b) The name, official title, mailing address, and telephone number of any counsel or employee who has been designated to appear for the Commission;

001.05(A)(i)(3)(c) The official file or other reference number, the name of the proceeding, and a general description of the subject matter;

001.05(A)(i)(3)(d) A statement of the time, place, and nature of the prehearing conference;

001.05(A)(i)(3)(e) A statement of the legal authority and jurisdiction under which the prehearing conference and the hearing are to be held;

001.05(A)(i)(3)(f) The name, official title, mailing address, and telephone number of the hearing officer for the prehearing conference;

001.05(A)(i)(3)(g) A statement that a party who fails to attend or participate in a prehearing conference, hearing, or other stage of a contested case or who fails to make a good faith effort to comply with a prehearing order may be held in default under the Administrative Procedure Act; and

001.05(A)(i)(3)(h) Any other matters that the hearing officer considers desirable to expedite the proceedings.

001.05(A)(ii) The hearing officer may conduct a prehearing conference, as may be appropriate, to deal with such matter as exploration of settlement possibilities, preparation of stipulations, clarification of issues, rulings on identity and limitation of the number of witnesses, objections to proffers of evidence, determination of the extent to which direct evidence, rebuttal evidence, or cross-examination will be presented in written form, and the extent to which telephone, television, or other electronic means will be used as a substitute for proceedings in person, order of presentation of evidence and cross-examination, rulings regarding issuance of subpoenas, discovery orders, and protective orders, and such other matters as will promote the orderly and prompt conduct of the hearing. The hearing officer shall issue a prehearing order incorporating the matters determined at the prehearing conference.

001.05(A)(iii) The hearing officer may conduct all or part of the prehearing conference by telephone, television, or other electronic means if each participant in the conference has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceeding while it is taking place.

001.05(B) DISCOVERY IN CONTESTED CASES.

001.05(B)(i) The hearing officer, at the request of any party or upon the hearing officer's

own motion, may issue subpoenas, discovery orders, and protective orders in accordance with the rules of civil procedure except as may otherwise be prescribed by law. Subpoenas and orders issued under this subsection may be enforced by the district court.

001.05(B)(ii) Any prehearing motion to compel discovery, motion to quash, motion for protective order, or other discovery-related motion must:

001.05(B)(ii)(1) Quote the interrogatory, request, question, or subpoena at issue, or be accompanied by a copy of the interrogatory, request, subpoena, or excerpt of a deposition;

001.05(B)(ii)(2) State the reasons supporting the motion;

001.05(B)(ii)(3) Be accompanied by a statement setting forth the steps or efforts made by the moving party or his or her counsel to resolve by agreement the issues raised and that agreement has not been achieved; and

001.05(B)(ii)(4) Be filed with the Commission. The moving party must serve copies of all such motions to all parties to the contested case.

001.05(B)(iii) Other than is provided in subsection 001.05(B)(ii)(4) above, discovery materials need not be filed with the Commission.

001.05(C) CONTINUANCES. The hearing officer may, in his or her discretion, grant extensions of time or continuances of hearings upon the hearing officer's own motion or at the timely request of any party for good cause shown. A party must file a written motion for continuance which states in detail the reasons why a continuance is necessary and serve a copy of the motion on all other parties.

001.05(C)(i) Good cause for an extension of time or continuance may include, but is not limited to, the following:

001.05(C)(i)(1) Illness of the party, legal counsel, or witness;

001.05(C)(i)(2) A change in legal representation; or

001.05(c)(i)(3) Settlement negotiations are underway.

001.05(D) AMENDMENTS.

001.05(D)(i) A petition may be amended at any time before an answer is filed or is due if notice is given to the respondent or his or her attorney. In all other cases, a petitioner must request permission to amend from the hearing officer.

001.05(D)(ii) A hearing officer may also allow, in his or her discretion, the filing of supplemental pleadings alleging facts material to the case occurring after the original pleadings were filed. A hearing officer may also permit amendment of pleadings where a mistake appears or where amendment does not materially change a claim or defense.

001.05(E) INFORMAL DISPOSITION. Unless otherwise precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

001.06 CONDUCTING A CONTESTED CASE HEARING.

001.06(A) ORDER. At the discretion of the hearing officer, the hearing may be conducted in the following order:

001.06(A)(i) The hearing is called to order by the hearing officer. Any preliminary motions, stipulations, or agreed orders are entertained.

001.06(A)(ii) Each party may be permitted to make an opening statement. Opening statements take place in the same order as the presentation of evidence.

001.06(A)(iii) Evidence will be received in the following order:

001.06(A)(iii)(1) Evidence is presented by the petitioner;

001.06(A)(iii)(2) Evidence is presented by the respondent;

001.06(A)(iii)(3) Rebuttal evidence is presented by the petitioner; and

001.06(A)(iii)(4) Surrebuttal evidence is presented by the respondent.

001.06(A)(iv) With regard to each witness who testifies, the following examination may be conducted:

001.06(A)(iv)(1) Direct examination conducted by the party who calls the witness;

001.06(A)(iv)(2) Cross-examination by the opposing party;

001.06(A)(iv)(3) Redirect examination by the party who called the witness; and

001.06(A)(iv)(4) Recross-examination by the opposing party.

001.06(A)(v) After the evidence is presented, each party may have the opportunity to make a closing argument. Closing arguments shall be made in the same order as the presentation of evidence. The hearing officer may request that the parties submit briefs in lieu of closing arguments.

001.06(B) EVIDENCE.

001.06(B)(i) In contested cases the hearing officer may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs and may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

001.06(B)(ii) Any party to a formal hearing in a contested case, from which a decision may be appealed to the courts of this state, may request that the proceeding be bound by the rules of evidence applicable in district court by delivering

to the hearing officer, at least three days prior to the holding of the hearing, a written request therefore. Such a request shall include the requesting party's agreement to be liable for the payment of costs incurred thereby and upon any appeal or review thereof, including the cost of court reporting services which the requesting party procures for the hearing.

001.06(B)(iii) Documentary evidence may be received in the form of copies or excerpts or incorporated by reference.

001.06(B)(iv) All evidence including records and documents in the possession of the Commission of which it desires to avail itself must be offered and made a part of the record in the case. No factual information or evidence other than the record will be considered in the determination of the case.

001.06(B)(v) The hearing officer may administer oaths and issue subpoenas in accordance with the rules of civil procedure except as may otherwise be prescribed by law. Subpoenas and orders issued under this subsection may be enforced by the district court.

001.06(B)(vi) The hearing officer will give effect to the rules of privilege recognized by law.

001.06(B)(vii) The hearing officer may take official notice of cognizable facts and, in addition, may take official notice of general, technical, or scientific facts within its specialized knowledge and the rules and regulations adopted and promulgated by the Commission.

001.06(B)(vii)(1) Parties must be notified either before or during the hearing or by reference in preliminary reports or otherwise of materials so noticed.

001.06(B)(vii)(2) Parties must be afforded an opportunity to contest facts so noticed.

001.06(B)(vii)(3) The record must contain a written record of everything officially noticed.

001.06(B)(viii) The hearing officer may utilize his or her experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to it.

001.06(C) CONDUCTING THE HEARING BY ELECTRONIC MEANS. The hearing officer may conduct all or part of the hearing by telephone, television, or other electronic means if each participant in the hearing has an opportunity to participate in, to hear and, if technically feasible, to see the entire proceeding while it is taking place.

001.06(D) OFFICIAL RECORD.

001.06(D)(i) The Commission shall prepare an official record, which shall include testimony and exhibits, in each contested case, but it is not necessary to transcribe the record of the proceedings unless requested for purpose of rehearing or appeal, in which event the transcript and record must be furnished by the Commission upon

request and tender of the cost of preparation.

001.06(D)(ii) The Commission must maintain an official record of each contested case under the Administrative Procedure Act for at least four years following the date of the final order.

001.06(D)(iii) The official record consists only of the following:

001.06(D)(iii)(1) Notices of all proceedings;

001.06(D)(iii)(2) Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Commission pertaining to the contested case;

001.06(D)(iii)(3) The record of the hearing before the hearing officer, including all exhibits and evidence introduced during the hearing, a statement of matters officially noticed by the Commission or other hearing officer during the proceeding, and all proffers of proof and objections and rulings thereon; and

001.06(D)(iii)(4) The final order.

001.06(D)(iv) As provided in subsection 001.01(c), the hearing officer, the Commissioner, or an employee who is or may reasonably be expected to be involved in the decision making process of the contested case who receives or who makes or knowingly causes to be made an ex parte communication as set forth in that subsection must make the appropriate filings which are included in the official record of the contested case.

001.06(D)(v) Except to the extent that the Administrative Procedure Act or another statute provides otherwise, the Commission record constitutes the exclusive basis for Commission action in contested cases under the act and for judicial review thereof.

001.06(E) COSTS. All costs of a formal hearing will be paid by the party or parties against whom a final decision is rendered.

001.07 DECISION AND ORDER IN A CONTESTED CASE.

001.07(A) If a hearing officer other than the Commissioner conducts the hearing, the hearing officer will submit a recommended decision to the Commissioner.

001.07(B) The Commissioner may utilize the Commission's or Department of Revenue's expertise, technical competence, and specialized knowledge in the evaluation of the evidence presented to him or her.

001.07(C) Every decision and order adverse to a party to the proceeding, rendered by an agency in a contested case, must be in writing or stated in the record and be accompanied by findings of fact and conclusions of law.

001.07(D) The Commissioner's decision and order should include:

001.07(D)(i) The Commission's name and the name of the proceeding;

001.07(D)(ii) The time and place of the hearing;

001.07(D)(iii) The names of all parties or their attorneys who entered an appearance at the hearing;

001.07(D)(iv) The findings of fact consisting of a concise statement of the conclusions upon each contested issue of fact;

001.07(D)(v) The conclusions of law consisting of the applications of the controlling law to the facts found and the legal results arising therefrom; and

001.07(D)(vi) The order consisting of the action taken by the Commission as a result of the facts found and the legal conclusions arising therefrom.

001.07(E) Parties to the proceeding shall be notified of the decision and order in person or by mail. A copy of the decision and order and accompanying findings and conclusions shall be delivered or mailed upon request to each party or his or her attorney of record.

001.08 ASSISTANCE OF THE DEPARTMENT OF REVENUE PERMITTED.

001.08(A) In any contested case, the Department of Revenue may assist the Commission or hearing officer as required.

001.09 APPEALS.

001.09(A) Any person aggrieved by a final decision in a contested case is entitled to judicial review under the Administrative Procedure Act or to resort to such other means of review as may be provided by law.

001.09(B) Parties desiring to appeal the Commission decision must file a petition for review in Lancaster County District Court within 30 days after the service of the final order of the Commissioner. The 30-day period for appeal commences to run from the date of mailing of the notice of order and decision to the parties or their attorneys of record. Service of the petition and summons must be made in accordance with Nebraska law.

001.09(C) Unless otherwise provided by statute, the procedures of Neb. Rev. Stat. § 84-917 govern the procedure for taking an appeal.

(Sections 81-8,128, 81-8,129, 81-8,133, 81-8,133.01, 81-8,137, 81-8,138, 81-8,139, 81-8,141, R.R.S., 2014.)